

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

D. I. CHANCE, ET AL. §  
§  
V. § CIVIL ACTION NO. G-97-282  
§ (Consolidated w/G-92-232)  
PHILLIPS PETROLEUM COMPANY,  
ET AL. §

**OPINION AND ORDER**

Before the Court is the "Report and Findings" of the United States Magistrate Judge dated March 17, 2005, issued pursuant to Rule 53 of the Federal Rules of Civil Procedure, on the matter of the damages, if any, recoverable by the non-settling Plaintiffs from Defendant, Phillips Petroleum Company. The Parties were given until April 8, 2005, to file objections, however, none have been filed to date.

Upon appropriate review the Court **FINDS** that the Findings of the Magistrate Judge are not clearly erroneous or contrary to law, but are supported both factually and legally by the record in this cause. Therefore, the Findings are **ACCEPTED** by this Court in their entirety and incorporated by reference herein.

Final Judgment will be entered in accordance with the Findings of the Magistrate Judge.

**DONE** at Galveston, Texas, this 10<sup>th</sup> day of May 2005.



Samuel B. Kent  
United States District Judge